

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q87920

Praveen SHARMA, *et al.*

Appln. No.: 10/535,414

Group Art Unit: 1634

Confirmation No.: 7331

Examiner: Steven C. Pohnert

Filed: May 1, 2006

For: PRODUCT AND METHOD

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the telephone interviews conducted on July 8, 2009 and August 3, 2009:

**REMARKS**

An Examiner's Interview Summary Record (PTO-413) was mailed July 13, 2009 and August 10, 2009.

During the interview of July 8, 2009, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: All pending.
3. Identification of art discussed: None
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: None

6. Indication of other pertinent matters discussed: None.

7. Results of Interview:

Applicants thank Examiner Pohnert for conducting the telephone interview with Applicants' representative, Tu Phan-Kerr.

During the interview, it was pointed out that it appeared the issues concerning the objections to the specification and Sequence Listing stem from a misunderstanding that new sequences were added. In this regard, it was explained to the Examiner that the sequences at pages 72-123 and 124-279 of the original specification were merely renumbered in a consecutive manner in the Substitute Specification filed October 3, 2008, so that the sequences correspond to the Substitute Sequence Listing filed May 1, 2006. Also, the amended pages of the Substitute Specification are similar to the amended pages attached to the International Preliminary Examination Report (IPER) filed with the original specification on May 19, 2005, and that these pages correspond to the Substitute Sequence Listing filed May 1, 2006 as well as show the relationship between the SEQ IDs recited in the original specification and consecutively renumbered SEQ ID NOs of the Substitute Specification. The Examiner asked that Applicants supplement the response filed July 6, 2009 with a Rule 132 Declaration stating the above in order to overcome the objections to the specification and Sequence Listing.

Applicants' representative pointed out that by obviating the objections to the specification, this should further obviate part of the enablement rejection that is premised upon these alleged inconsistencies in the specification. The Examiner agreed. With regard to the rest of the enablement rejection, the Examiner stated that he understood the diagnostic purpose of the

claimed set of oligonucleotide probes, and from reading the specification, that not all of the 351 oligonucleotide probes need be present for diagnostic purposes. The Examiner stated that the structures of the oligonucleotide probes were clear to him from reading claim 2, but that it was not clear to him that a one for one oligonucleotide replacement was being made. That is, when one of the oligonucleotides of the 351 oligonucleotides is replaced, it is replaced with one of either (i), (ii), or (iii) claimed. The Examiner mentioned that the part of the claim reciting "(ii) an oligonucleotide having a sequence entirely complementary to the respective oligonucleotide being replaced, or to a fragment thereof which is at least 20 nucleotides in length, or (iii) an oligonucleotide having at least 80% identity to the respective oligonucleotide being replaced or to a fragment thereof which is at least 20 nucleotides in length" clarified the structures of the fragments and oligonucleotides having at least 80% identity being claimed. The Examiner suggested Applicants amend claim 2 to clarify that a one for one oligonucleotide replacement was being made with any one of the 351 oligonucleotides claimed.

During the interview of August 3, 2009, the following was discussed:

8. Brief description of exhibits or demonstration: None
9. Identification of claims discussed: All pending.
10. Identification of art discussed: None
11. Identification of principal proposed amendments: None
12. Brief Identification of principal arguments: None
13. Indication of other pertinent matters discussed: None.

14. Results of Interview:

Applicants' representative, Tu A. Phan-Kerr contacted Examiner Pohnert regarding proposed responses to the new matter and enablement rejection. Specifically, Applicants' representative stated that a supplemental amendment and supplemental submission regarding the substitute specification will be filed to further address these issues.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Tu A. Phan/

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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Date: August 11, 2009